

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UDK SOLUTIONS, INC., et al.,
Plaintiffs,

vs.

DISASTER CLEAN UP SERVICE, LLC.,
et al.,
Defendants.

MEMORANDUM DECISION AND
ORDER OVERRULING
PLAINTIFFS' OBJECTION TO
MAGISTRATE JUDGE'S
FEBRUARY 27, 2007 ORDER

Case No. 2:06-CV-192 TS

This matter is before the Court on Plaintiffs' Objection to the Magistrate Judge's February 27, 2007 Order (Order).¹ Among other things, the Order granted the Defendants' Motion to Modify the Scheduling Order by extending the fact discovery deadline by two months on the grounds that the deadline had already passed before the pleadings were complete.

Plaintiffs contend that the Order's extension of the discovery deadline was clearly erroneous and contrary to law for the following reasons: First, that the Magistrate was only

¹Docket No. 69.

“technically” correct that the pleadings did not close until after the discovery cutoff. Plaintiffs argue that because the amended pleadings added only related entities as Defendants, the Defendants should have nonetheless completed discovery by the original cutoff date. Second, Plaintiffs contend that Defendants did not establish good cause for modifying the scheduling order. Third, Plaintiffs contend that the public will be harmed by the delay because the alleged trademark infringement will continue. Defendants contend that the Order is supported by the record.

For non-dispositive pretrial matters, this Court reviews the Magistrate Judge’s Orders under a “clearly erroneous or contrary to law” standard of review.² Under the clearly erroneous standard, this Court will affirm the Magistrate Judge’s ruling “unless it ‘on the entire evidence is left with the definite and firm conviction that a mistake has been committed.’”³ Courts recognize that wide discretion is given the magistrate judge in discovery rulings.⁴

The Court has reviewed the parties’ arguments and the entire record. The Court finds that the Magistrate’s Order extending the discovery deadline for two months was fully supported by the record and was not contrary to law. The Court finds no error. It is therefore

² 28 U.S.C. § 636(b)(1)(A).

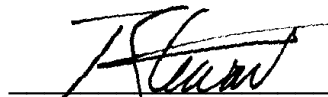
³ *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).

⁴ *Soma Med. Int’l v. Standard Chartered Bank*, 196 F.3d 1292, 1300 (10th Cir. 1999).

ORDERED Plaintiffs' Objection (Docket No. 71) to the Magistrate Judge's February 27, 2007 Order is OVERRULED and said ORDER IS AFFIRMED IN ALL RESPECTS.

DATED May 2, 2007.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART
United States District Judge